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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,068	04/20/2000	Christopher Phillips	04814.P017	5825
25943 7590 03/23/2007 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER PATEL, JAGDISH	
			ART UNIT 3693	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/553,068

Applicant(s)

PHILLIPS ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10,13-15,17-20,22-25,43-45 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-10,13-15,17-20,22-25,43-45 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/6/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to amendment filed 5/1/07

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/1/07 has been entered.

#### ***Response to Amendment***

3. Claims 1 and 41 have been amend. Claims 1-4,7-10,13-15,17-20,22-25,43-45 and 48-52 are pending.

#### ***Response to Arguments***

4. Applicant's arguments with respect to rejection of claims under 35 USC 112(second) have been considered. However, the amendment of the claims introduces subject matter not enabled or described in the original disclosure. (see explanation provided below.).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4, 7-10, 13-15, 17-20, 22-25, 43-45 and 48-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claims 1 and 41 recite “wherein its data issuing source receives notification of usage of the first billing data with the first website”.

The specification describes the embodiment of the invention at p. 11-15. On p. 12 L 13+ the specification teaches in reference to Fig. 1 “..billing service obtains the billing data ..by entering into agreements with banking institutions (or equivalent)” and “charges made against the billing data are received by the billing service in due course through standard financial instructions such as banks, savings and loan, investment houses, and then like”. The specification fails to clearly state that:

banking institutions (or equivalent) providing the billing data to the billing service are same entities through which the charges made against the billing data are received at the billing service.

there is no relationship (communication of charges or usage of the billing data) disclosed amongst the billing data source(s), the business (websites) and the billing service which shows the feature recited in the amended claim.

The specification only states that "Charges made against the billing data are received 318 by the billing service in due course through ..banks, savings and loans, investment houses, and the like", (see p. 12 bottom para.) without clearly stating how this process is accomplished. The receipt of the usage of billing data from its respective source to the billing service cannot be accomplished unless the billing data (at least implicitly) contain identity of the web site (or web merchant) and identity of the billing data issuing source in order that the usage data is communicated to respective issuing source. The disclosure, therefore, lacks teaching of the functionality of the billing data issuing source(s) in terms of processing of the notification of usage of the first and second billing data with first and second web sites.

6. Claims 1-4, 7-10, 13-15, 17-20, 22-25, 43-45 and 48-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites that the billing service obtains first and second billing data from one or more billing data issuing sources. The first and second billing data are provided to a user to conduct transaction with a first and second web site respectively. Subsequently, the billing service receives notification of usage of the first and second billing data with the respective web site from its' corresponding billing data issuing source. The claims fails to recite any functionality of the billing data issuing sources other than merely receiving notification of the usage of the billing

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data by the user at specific web sites and then passing on the same notification to the billing service.

The claim also, fails to state how the usage notification is provided to the respective billing data issuing source from the web site where the usage of the respective (i.e. the specifically issued by the first or second billing data issuer) billing data occurs by the user.

The examiner notes that this feature, (correlating the usage of the billing data to respective issuing source) is critical to the claimed invention since without clear recitation of the communication of the billing data usage to its respective issuing source, the functionality of the billing service in terms of the billing data usage processing cannot be ascertained.

### *Conclusion*

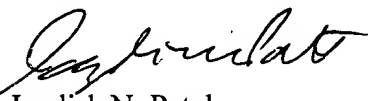
Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

3/19/07